

## REMARKS

This Reply is in response to the Restriction Requirement mailed on March 20, 2007 in the above-captioned application.

### **I. Restriction Requirement**

Claims 1-163 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. § 121. Specifically, the Official Action avers that the following inventions are present in the claims:

- I. Claims 1-53, 131-153, and 162, drawn to a method for treating a heart related ailment, such as ischemic congestive heart failure, in a patient, classified in class 606, subclass 213; and
- II. Claims 54-130, 154-161, and 163, drawn to a device for treating cardiac afflictions, classified in class 606, subclass 194.

The Examiner has also restricted the application to the following species:

- |    |                             |          |
|----|-----------------------------|----------|
| 1) | tulip/egg-shaped            | Figure 2 |
| 2) | having removable sections   | Figure 3 |
| 3) | asymmetrical configuration  | Figure 4 |
| 4) | having reinforcing elements | Figure 5 |
| 5) | having holes or slots       | Figure 6 |

In response to the Examiner's requirement for restriction, Applicant provisionally elects to prosecute the subject matter of Group II, and species 5, Fig. 6 (Claims 54, 59-68, 77-89, 94-

102, 107-120, 129, 154-161 and 163). However, Applicant reserves the right under 35 U.S.C. §121 to file one or more divisional applications directed to the non-elected claims in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited. If the Examiner believes that a telephone conference with Applicants' attorney would be advantageous to the disposition of this case, the Examiner is strongly urged to telephone the undersigned.

If any fee should be due, the Commissioner is hereby authorized to charge any additional fee, or credit any overpayment to Deposit Account No. 03-1250 (Docket No. 040027U009CIP1US).

Respectfully submitted,

Date: April 19, 2007

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